

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MARYLAND**

JAMES T. FOSTER, #06565-016 : :

Petitioner :
v. : Civil Action No. WDQ-07-1133

LISA J.W. HOLLINGSWORTH : :

Respondent :
00o
MEMORANDUM

Pending is a pro se 28 U.S.C. § 2241 Petition for Writ of Habeas Corpus filed by James T. Foster, an inmate at F.C.I. Cumberland, challenging his confinement and the detainer lodged against him. Counsel for Respondent, Warden Lisa Hollingsworth, has filed a Motion to Dismiss with supporting exhibits. Upon review of the record, the Court determines that a hearing is unnecessary, and will dismiss the Petition as moot by separate Order.

I. Background

The facts are undisputed. Foster was convicted by a jury sitting in the United States District Court for the District of Columbia of distribution of cocaine base in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C) and possession with intent to distribute fifty grams or more of cocaine base in violation of 21 U.S.C. §§ 21 U.S.C. 841(a)(1) and 841(b)(1)(A) (iii). On October 25, 2005, the Court sentenced him to a sentence of 144 months incarceration. *See United States v. Waldrop, et al.* Criminal Action No. 02-395 (D.C. D.C.). Petitioner's appeal is pending before the United States Court of Appeals for the District of Columbia. *See United States v. Foster*, CA 05-3201 (D.C. Cir.).

On June 5, 2002, the District Court of Maryland for Anne Arundel County issued Bench Warrant # D020297550 after Foster failed to appear in Case No. 4A00104542. On November 28,

2005, Foster arrived at FCI Cumberland. On February 21, 2007, FCI Cumberland received the warrant. On April 17, 2007, FCI Cumberland notified the Anne Arundel County Sheriff's Office of receipt of the warrant and Foster's release date in a Detainer Action Letter. On May 10, 2007, Bureau of Prisons staff informed Foster of the detainer and his rights under the Interstate Agreement on Detainers (IAD), and notified the State's Attorney for Anne Arundel County that Foster had requested disposition of the charges under the IAD. On May 18, 2007, the State's Attorney informed FCI Cumberland that the charges pending against Foster would be *nolle prossed*. As a result, the Bureau of Prisons lifted the detainer.

II. Analysis

The Bureau of Prisons has provided Foster with the relief he seeks in this petition, *i.e.* the detainer has been removed from his file and the charges pending against him have been dismissed.¹ Accordingly, the Court will dismiss the Petition as moot. *See Honig v. Dow*, 484 U.S.305, 317 (1988) (courts have jurisdiction to consider only actual, ongoing controversies). A separate Order consistent with this Memorandum follows.

July 27, 2007

Date

/s/

William D. Quarles, Jr.
United States District Judge

¹ Accordingly, the issue of exhaustion need not be addressed.